

117TH CONGRESS  
2D SESSION

# S. 3836

To establish within the Executive Office of the President the Taxpayer Watchdog Office.

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 2022

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish within the Executive Office of the President the Taxpayer Watchdog Office.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as “The Watchdog Act”.

5 **SEC. 2. DEFINITIONS.**

6       In this Act:

7           (1) AGENCY.—The term “agency” means—

8                  (A) an Executive agency, as defined in sec-  
9                  tion 105 of title 5, United States Code; and

(B) an independent regulatory agency, as defined in section 3502 of title 44, United States Code.

15 (C) the Federal Funding Accountability  
16 and Transparency Act of 2006 (31 U.S.C. 6101  
17 note);

(D) the program inventory of each Federal agency required under section 1122(a) of title 31 United States Code;

(E) section 2374b of title 10, United States Code:

(F) section 11319 of title I of the Infrastructure Investment and Jobs Act (Public Law 117-58); and

17                             (4) OFFICE.—The term “Office” means the  
18                             Taxpayer Watchdog Office established under section  
19                             3(a).

20 SEC. 3. ESTABLISHMENT OF TAXPAYER WATCHDOG OF-  
21 FICE.

22 (a) ESTABLISHMENT.—There is established within  
23 the Executive Office of the President the Taxpayer Watch-  
24 dog Office.

1       (b) DIRECTOR.—The Director shall be the head of  
2 the Office and shall be appointed by the President.

3       (c) STAFF RESOURCES.—The Director of the Office  
4 of Management and Budget shall ensure that the Office  
5 has sufficient staff resources to enable the Director to ful-  
6 fill the duties described in section 4.

7 **SEC. 4. DUTIES OF THE OFFICE.**

8       (a) OVERSIGHT.—

9           (1) IMPLEMENTATION OF GOVERNMENT TRANS-  
10 PARENCY LAWS.—The Director shall oversee the im-  
11 plementation of Federal transparency laws.

12           (2) COMPLAINTS.—The Director shall accept  
13 and review complaints about a failure of an agency  
14 to comply with a Federal transparency law.

15           (3) EVALUATION.—The Director shall develop a  
16 standard compliance and performance scoring meth-  
17 odology using a 100-point scale and shall evaluate  
18 and grade each agency according to the scale by con-  
19 sidering—

20                  (A) the compliance of the agency with Fed-  
21 eral transparency laws, including the accuracy,  
22 thoroughness, and timeliness of the agency in  
23 providing the public the information required by  
24 those laws; and

(B) any other action taken by the agency to increase openness in the Federal Government.

#### (4) COOPERATION.—

(A) IN GENERAL.—The Director may collect necessary information from agencies to determine whether an agency is in compliance with Federal transparency laws.

(B) AGENCY COOPERATION.—Each agency shall cooperate with the Office to provide information necessary to complete the evaluation required under paragraph (3).

13       (b) INFORMATION TO THE PUBLIC.—The Director  
14 shall—

18 (A) compile and maintain on a searchable  
19 public website an up-to-date summary of the in-  
20 formation and the manner in which the infor-  
21 mation may be accessed; and

(B) compile a summary of the legal limitations to accessing the information, including limitations relating to personal privacy, national

1           security, law enforcement, and privileged com-  
2           munications; and

3           (2) compile case law on the interpretation of  
4           Federal transparency laws.

5           (c) REPORT AND RECOMMENDATIONS.—

6           (1) ANNUAL REPORT.—Not later than 1 year  
7           after the date of enactment of this Act, and annually  
8           thereafter, the Director shall make available to the  
9           public a report—

10           (A) listing—

11               (i) each Federal transparency law;  
12               and

13               (ii) the compilation of information re-  
14               lating to Federal transparency laws re-  
15               quired under subsection (b)(1);

16           (B) summarizing the evaluations required  
17           under subsection (a)(3);

18           (C) detailing how the Federal transparency  
19           laws apply to—

20               (i) each agency; and

21               (ii) each entity receiving Federal fi-  
22               nancial assistance, including grants, sub-  
23               grants, loans, contracts, and tax expendi-  
24               tures;

(E) including any agency response to the evaluation in the report.

## **16 SEC. 5. OFFICERS AND EMPLOYEES.**

17        The Director may appoint and terminate such offi-  
18 cers and employees as may be necessary to enable the Of-  
19 fice to perform the duties of the Office.

## 20 SEC. 6. FUNDING.

21 The Office shall be funded through the Office of Man-  
22 agement and Budget.

